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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,125	08/23/2001	Jonas Ulenas	JONAS-203.1-US	2156

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EXAMINER

CUFF, MICHAEL A


ART UNIT	PAPER NUMBER
3627	7

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. <b>09/938,125</b>	Applicant(s) <b>Ulenas et al.</b>
Examiner <b>Michael Cuff</b>	Art Unit <b>3627</b>



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Apr 24, 2002.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 1-13 is/are allowed.
- 6)  Claim(s) 15-21 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)                      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5                      6)  Other:

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## DETAILED ACTION

### *Amendment*

Applicant's amendment, filed 4/30/02, has been received and entered. The title has been amended. Claim 14 has been canceled and new claim 21 has been added. Claims 1-5, 8-11, 13, 15, 16, 18 and 19 have been amended. Due to the amendments, the previous claim objections and rejections under 35 USC 112, 2nd have been withdrawn.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lang et al. (6,029,161).

Lang et al. shows, figure 1, a multi-level mindpool system. The system includes an extraction means 17 (product or service database) which includes many resources. Raw informons are those data entities whose content identifies them as being "in the ballpark" (satisfies or matches closest to said criteria). Computer system 16 (server) is associated with users 5, 7 and 9 (plurality of consumer's processing devices with input devices) along with a communication

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means 25 (displaying results such as in table 2). The system uses a concept of member client profiles (lists, image) which contains (selects) areas of interest and parameters which provide more specific criteria about the areas of interest. New member client profiles, new interest, and new parameters can be entered entering new criteria). However, information from a new source has a low credibility ranking until established in that area or community. Method 100 can also include credibility filtering (step 155) of the raw informons responsive to an adaptive credibility profile and updating the credibility profile (step 160) responsive to the user feedback profile. Method 100 further can include creating a consumer profile (step 165) responsive to the user feedback profile. In general, the consumer profile is representative of predetermined (selected) consumer preference criteria relative to the communities of which the user is a member client. Furthermore, grouping selected ones (step 170) of the users into a preference cohort, responsive to the preselected consumer preference criteria, can facilitate providing a targeted informon (step 175), such as an advertisement (advertisement database searched), to the preference cohort. When user 5 receives proposed informon 23 from apparatus 1, user 5 is provided with multiple feedback queries along with the proposed informon. By answering, user 5 creates a feedback profile that corresponds to feedback response 29. User feedback response 29 can be active feedback, passive feedback, or a combination. Active feedback can include the user's numerical rating (rank for ranking parameters, selecting a range) for an informon, hints, and indices. Hints can include like or dislike of an author, and informon source and timeliness. Indices can include credibility, agreement with content or author, humor, or value. Feedback response 29 provides an

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actual response to proposed informon 23, which is a measure of the relevance of the proposed informon to the information need of user 5. Such relevance feedback attempts to improve the performance for a particular profile by modifying the profiles, based on feedback response 29 (updating consumer preferences). Apparatus 1 also can include a computer storage means 31 (database) for storing the profiles, including the adaptive content profile and the adaptive collaboration profile. Additional trend-tracking (Marketing database searched) information can be stored for later retrieval in storage means 31, or may be conveyed to network 3 for remote analysis, for example, by User #2 (7). Prediction means 33 predicts member client trends (report of consumer trend) and factors (ranks) the prediction in with what is shown.

### *Response to Arguments*

3. Applicant's arguments filed 4/30/02 have been fully considered but they are only partially persuasive. The examiner concurs and will later elaborate on the method being allowable mainly because of the step of "providing market research data of consumer preferences from said consumer interested in said product/service category". However, this step is not positively recited in the apparatus claims. Claims 15-21 are drawn to a relatively common network system in combination with a lot of intended use phrases which are not given much patentable weight. The examiner phoned applicant's representative on 8/12/02 to discuss the apparatus, but the representative was not available.

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*Allowable Subject Matter*

4. Claims 1-13 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. Claims 1 and 13, both recite the step of "providing market research data of consumer preferences from said consumer interested in said product/service category". Up until this point in the claim, the selection of search criteria and ranking parameter, the search and the displaying of results is quite common. The claim then adds the step of storing the search criteria and ranking parameter. The saving of search criteria and even ranking parameter has been done. However, the most common use of saving the search has been to re-create search to search again. None of the referenced prior art shows or teaches the saving of search criteria and a ranking parameter, thereby providing market research data. Claims 2-12 are dependent upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levi et al. shows a word database which can expand based on queries. Business Wire, p5201056 shows search tool which saves searches to be use again.

Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The fax phone number for this Group is (703) 746-7239. (After Final special fax number (703) 746-7238)

*Michael Cuff 8/12/02*  
Michael Cuff  
August 12, 2002